

## Poll Tax

"How can it be a poll tax, if anyone who cannot afford identification can get one for free?

### Poll Tax History

! Poll taxes and literacy tests were specifically designed to disenfranchise certain people, in other words to make the process unfair. They were adopted knowing that most poor black men & women would not be able to meet the artificial criteria for voting. On the other hand, photo ID applies to all persons, regardless of race, income, age and ethnicity with the intent of keeping the vote clean, and therefore, fair. Fraudulent votes disenfranchise other voters.

! Following enactment of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments to the U.S. Constitution, some states wrongly charged a fee for voting in order to disenfranchise African-Americans and other indigent voters. HB 218 levies no fee for voting. The identification required under HB 218 is all commonplace and easy to obtain. Furthermore, the bill will give a DPS personal identification for free to anyone who is indigent and who needs the card for voting.

### HB 218 FEE

! This bill prohibits DPS from collecting a fee for a personal identification certificate if the person applying for the certificate executes an affidavit stating that the person is financially unable to pay the required fee. In order for the fee to be waived, the bill also requires the person to be a registered voter and present a valid registration certificate, or be eligible for registration and submit a registration application.

### Courts - Poll Tax

! Courts have held that voter identification are not an unconstitutional poll tax. In rulings based on Indiana and Georgia's voter identification laws, the federal District Courts held that the photo ID laws at issue did not create a poll tax. Noting that voters could obtain a voting photo ID free of charge or vote absentee, both courts determined that the plaintiffs failed to prove the additional costs associated with procuring documents to obtain a voting photo ID were sufficiently tied to voting as to constitute a poll tax. Relying on the Supreme Court's decision in *Burdick*, both courts noted "[T]he imposition of tangential burdens does not transform a regulation into a poll tax."

[Source: Senate Committee on State Affairs, Interim Report to 80<sup>th</sup> Legislature]

### Black Increase

! The U.S. Census Bureau publishes a report every two years on voting and registration in federal elections based on responses from surveys. A comparison of the 2000 and 2004 reports show that in the 2000 election 56.8% of the eligible black population report voting in the election. In

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2004, when HAVA's limited identification requirement was in effect, 60% of the eligible black population voted, an increase of 3.2 percentage points.

! In the 1996-2000 period when the national turnout increased 2.22 points from 49.08% to 51.3% and Georgia's identification requirement became effective, Georgia's turnout increased 1.37 points, going from 42.43% to 43.8%. Given Georgia's large minority population, a significant decrease in turnout in the 2000 election would have been expected if the assumptions underlying objections to identification requirements are valid. However, Georgia's turnout *increased*. Additionally, according to a Census Bureau survey, a higher percentage of blacks than whites reported voting in the 2000 election: 51.6% vs. 48.3%.

! In the 1996-2000 period when the national turnout increased 2.22 points from 49.08% to 51.3% and Virginia's identification requirement became effective, Virginia's overall turnout increased 5.46 points, going from 47.54% to 53%. Even after imposing a new identification requirement, Virginia's turnout increased at twice the rate of the national turnout.

! Clearly, if the state can require persons to have a photo ID to drive a vehicle to the polls, it is too much to ask that they also show the same ID before voting? In might be argued that Photo ID is a natural extension of the Motor Voter Law. Furthermore, how many people walk to voting locations? How many people take the bus and leave their ID at home?

<p><b><u>Driver's License</u></b> <b><u>Statistics</u></b></p>
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! There are more Drivers' Licenses held by the voting-age population than there are registered voters. In fiscal year 2005, there were 14.4 million valid unexpired Driver's Licenses issued to Texans of voting age. In November of 2005, however, there were only 12.5 million registered voters. With **1.8 million more Drivers' Licenses held by the voting-age population than there are registered voters**, the argument that the voter ID proposal will be a barrier to voting is a fallacy. Add in another 3,960,249 unexpired Texas Identification Cards in the state as of April, 2006 and 87% of the *total* state population (all ages) has some form of government identification card.

[Sources: Office of Secretary of State and Department of Public Safety Drivers License Division]

### **Photo identification requirements are commonplace.**

Americans are required by statute to show identification for even the most mundane daily activities:

- ! to drive a car [§ 521.021, Transportation Code, states that a person “may not operate a motor vehicle on a highway in this state unless the person holds a driver's license” that has a photo ID]
- ! to board an airplane [TSA “What you Need: government-issued photo ID”]
- ! to buy alcohol or tobacco [see §109.61 and Chapter 106, Alcoholic Beverages Code]
- ! to obtain a marriage license [§2.005 of the Family Code requires proof of identity and age for the issuance of marriage license.]
- ! to be a licensed doctor [§ 155.0031 of the Occupations Code requires identifying documents, including photographs, for the licensure of doctors.]
- ! to purchase products containing ephedrine or pseudoephedrine (most commonly known as Sudafed). Furthermore, in order to purchase the cold medicines, the person making the purchase must show a Driver’s License or other photo ID indicating the person is over sixteen years of age. [Chapter 486, Health & Safety Code]

### **Library Card Requirements**

- ! Every library that I researched required some form of identification to be eligible for a library card. While each library decides their own requirements, all require, at a minimum:
  - ! A Texas Driver’s License or Texas ID card with a current address.
  - ! If the identification does not have a photo, you must have some other form of photo ID (Passport, Military ID, Green Card/Resident Alien Registration Card) with a current address.
  - ! Other forms accepted for proof of current address are: bill, lease, car insurance card, delivered mail, and preprinted checks.

### **Driver's License / Identification Fee's.**

<b>DRIVER LICENSE IDENTIFICATION CARD</b>	<b>FEE</b>	<b>INFORMATION</b>
<b>Original Driver License</b> (under age 18)	<b>\$5.00</b>	Expires on next birthday
(age 18 and above)	<b>\$24.00</b>	Expiration 6 years

<i>Must visit a Texas driver license office</i> <i>Motorcycle class add appropriate fee</i>		
<b>Driver License Renewal</b> (under age 18) (age 18 and above) <i>Motorcycle class add appropriate fee</i> <i>Online renewals available over age 18, add \$1.00 processing fee</i>	<b>\$5.00</b> <b>\$24.00</b>	Expires on next birthday Expiration 6 years
<b>Instruction Permit</b>	<b>\$5.00</b>	Expires on next birthday plus 1 year
<b>Driver License Examination</b>	<b>\$10.00</b>	Does not affect current expiration date
<b>DL / Instruction Permit Duplicates</b> (replacement of lost, stolen DL/Permit or change of name, or remove restriction on DL or Permit)	<b>\$10.00</b>	Does not affect current expiration date
<b>Driver License Change of Address</b> <i>Online change of address available over age 18, add \$1.00 processing fee</i>	<b>\$10.00</b>	Does not affect current expiration date
<b>Original Commercial Driver License (CDL)</b> <i>Must visit a Texas driver license office</i> <i>Motorcycle class add appropriate fee</i>	<b>\$60.00</b>	Expiration 5 years
<b>CDL Renewal</b> <i>Must visit a Texas driver license office</i> <i>Motorcycle class add appropriate fee</i>	<b>\$60.00</b>	Expiration 5 years
<b>CDL Examination</b> (upgrade, add or remove restrictions or endorsements)	<b>\$10.00</b> (per exam)	Does not affect current expiration date
<b>CDL Duplicate</b> (replacement of lost, stolen CDL or change of address or name) <i>Must visit a Texas driver license office</i>	<b>\$10.00</b>	Does not affect current expiration date
<b>Motorcycle Renewal</b> (under age 18) (age 18 and above) <i>In addition to appropriate Driver/CDL renewal fee</i>	<b>\$8.00</b> <b>\$8.00</b>	Expires on next birthday Expiration 6 years
<b>Motorcycle Examination</b>	<b>\$15.00</b>	Does not affect current expiration date
<b>Original / Renewal ID Card</b> (age 60 and above) <b>Original / Renewal ID Card</b> (under age 60) <i>For online renewals add \$1.00 processing fee</i>	<b>\$5.00</b> <b>\$15.00</b>	Indefinite Expiration Expiration 6 years
<b>ID Card Duplicates</b> (replacement of lost, stolen ID or change of name)	<b>\$10.00</b>	Does not affect current expiration date
<b>ID Card Change of Address</b> <i>Online change of address available over age 18, add \$1.00 processing fee</i>	<b>\$10.00</b>	Does not affect current expiration date
<b>DL/CDL or ID renewal for individuals required to register under the provisions of Chapter 62, CCP</b>	<b>\$20.00</b>	Expires Annually
<b>Occupational (Essential Need) License</b>	<b>\$10.00</b>	All reinstatement fees must be paid prior to issuance. (Occupational may be issued up to 2 years at \$10.00 per year).
<b>Restricted Interlock License</b>	<b>\$10.00</b>	All reinstatement fees must be paid prior to issuance